

### REMARKS

Reconsideration and allowance of the subject application in view of the following remarks is respectfully requested.

Applicant appreciatively notes that claims 7 and 30 are objected to but contain allowable subject matter. Applicant submits that this response should be entered as it raises no new issues and places the application in condition for allowance.

Claims 1, 2, 4-8, 14-20, 22-24, and 26-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 6,408,404. In response, a Terminal Disclaimer is being submitted concurrently herewith. Accordingly, this obviousness-type double patenting rejection should be withdrawn.

Claims 1, 2, 4, 8 and 15-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by McCreery et al. (U.S. Patent No. 5,787,253). Applicant has carefully reviewed McCreery et al. and submits the following notable distinctions.

Claim 1 requires "applying rules to the at least one data stream at the presence for sorting data representative events and for taking one or more actions based on a specified event." The actions, for example, are displayed in Figure 6 and explained in the disclosure. By contrast, the cited portion of McCreery et al. (col. 4, lines 44-57) only provides filtering as opposed to actions.

Claims 2, 4, 8 and 15-19 recite additional important limitations and are patentable for the reasons discussed above with respect to claim 1 as well as on their own merits. Claim 1 is patentable for at least the reasons discussed above and accordingly the anticipation rejection should be withdrawn.

Claims 2, 14, 20, 23, 25, 27 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McCreery et al. Applicant respectfully traverses this rejection.

These claims are patentable for the reasons discussed above with respect to claim 1 from which they depend as well as on their own merits. Accordingly, this rejection should be withdrawn.


All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly

solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

A handwritten signature in black ink, reading "Kenneth M. Berner". The signature is written in a cursive style with a large, stylized 'K' and 'B'.

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